

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (Boston)

1:20-cr-10098-wgy-1

*
United States vs. Brian Gilbert * JUDGE'S FINDINGS
*

BEFORE: Honorable Judge William G. Young

Richard H. Romanow
Official Court Reporter
United States District Court
1 Courthouse Way
Boston, Massachusetts 02210

Thursday, July 18, 2024

1 THE COURT: Mr. Brian Gilbert, in consideration of
2 the offenses of which you stand convicted, the
3 information from the United States Attorney, your
4 attorney, the probation office, and yourself, pursuant
5 to 18 United States Code, Section 3553(a), this Court
6 adopts the joint recommendation, sentences you to time-
7 served, places you on supervised release for a period of
8 1 year with all the general conditions of supervised
9 release and the special condition that you have no
10 contact whatsoever with the victims of your crime. The
11 Court does fine you \$20,000 and the Court must impose
12 and does a \$200 special assessment as required by the
13 law.

14 Let me explain that sentence, sir. I have little
15 to add because competent counsel, as well as
16 Ms. Steiner, has said it so well, your conduct is truly
17 appalling. But for me to take time in this sentencing
18 hearing simply to heckor you adds nothing, and there's
19 no need for that. We understand why this sentence is
20 what it is.

21 The question -- and Ms. Kane touches on it and
22 I've read the memorandum with care, that we're all left
23 with, the question I'm left with is how could you do
24 this? How could you do this? You achieved the
25 important position that you held within ebay precisely

1 because of your exemplary law enforcement skills.
2 Whatever happened to the moral compass that led you to
3 that position? She says we wrestled with that, I'm sure
4 you did in this memo, because there's no adequate
5 answer. The best I can do is a warped corporate
6 culture. And if corporations are so powerful, if their
7 perceived needs are so powerful as to ride rough-shod
8 over the life's work of people of your background,
9 training, and otherwise integrity, the country has much
10 to fear from corporations. That's the question I am
11 left with. This is a fair and a just sentence in these
12 unique circumstances. I have nothing but praise for the
13 Office of the United States Attorney and your skilled
14 attorney in coming up with this joint recommendation.
15 As I said, I have little to add.

16 You have the right to appeal from any findings or
17 rulings the Court makes against you. Should you appeal
18 and should your appeal be successful in whole or in part
19 and the case remanded, you'll be resentenced before
20 another judge. Ms. Kane, if an appeal is decided upon,
21 you want transcript, seek it from this session of the
22 court because I'll turn it around right away.

23 Do you understand?

24 THE DEFENDANT: Yes.

25 THE COURT: Ms. Kane, do you understand?

1 MS. KANE: Yes, your Honor.

2 THE COURT: Very well. That's the sentence of the
3 Court. We'll recess.

4 MR. KOSTO: Your Honor, as you're heading into
5 recess, may I ask, on behalf of the Steiners, they had
6 asked if the Court would make their victim impact
7 statements a part of the record in this matter? And I
8 just wanted to leave that request with the Court.

9 THE COURT: Absolutely. The statements -- beyond
10 that, the statements have been telling in, um, and
11 persuasive by any measure informing the Court and they
12 should be part of the record for a crime that is truly
13 appalling. Thank you, Mr. Kosto, that will be part of
14 the record.

15 We'll recess.

16 (Ends, 3:50 p.m.)
17
18
19
20
21
22
23
24
25